

## REMARKS/ARGUMENTS

Claims 17-27 are pending herein. Claim 19 has been amended to correct matters of form.

1. The objection to the drawings is noted, but deemed moot in view of amended Fig. 5 filed herewith.

2. Claims 17-22 were rejected under §112 first paragraph. This rejection is respectfully traversed.

Referring first to the rejection of claim 17, lines 13-14 of claim 17 provide for a board for gliding having at least one longitudinal rigid arm (“arm”) extending from said underfoot zone such that the front end of the arm contacts the lower assembly. The Examiner has stated that the specification does not describe this feature in the terms required to enable one skilled in the art. More particularly, the Examiner has stated that Fig. 5 fails to show the lower assembly.

In the present application, Applicant intentionally excluded generic details from Figs. 4, 5, and 9 that were described with reference to Figure 3. These details, including the lower assembly (10), the upper assembly (6), the core, and the bindings (34,35), were excluded in an effort to simplify the drawings and exemplify specific features included therein. Therefore, it would have been readily apparent to one skilled in the art that boards represented in Figs. 4, 5, and 9 would have features similar to Fig. 3.

Applicant has, however, added a line to Fig. 5 depicting the location of the lower assembly feature. The remaining generic features included in Fig. 3 remain excluded from Fig. 5 so as not to clutter the drawings.

With respect to claim 19, the rejection is noted, but deemed moot in view of the rewritten claim submitted above.

Referring now to claim 21, the claim recites a board having the feature of the at least one longitudinal rigid arm extending downwardly and rearwardly from the underfoot zone being a pair of parallel arms being offset from one another transversely. Claim 17, from which this claim depends, has at least one longitudinal rigid arm extending downwardly and forwardly from said underfoot zone. Page 11, lines 14-17 of the specification discuss the possibility of connecting the front and rear arms to form a single arm underneath the plate.

The specification discusses further the possibility of mixing bar arrangements as shown in Figs. 6 and 7, which would result in a total of three arms. Therefore, the specification clearly enables a combination resulting in three arms.

Referring lastly to claims 21 and 22, the claims disclose a board having parallel arms being offset from one another transversely. Page 10, lines 20-21 of the specification state that an embodiment of the invention shown in Fig. 5 includes a pair of arms (50), arranged on either side of the board. Because the sides of the boards are relatively parallel, the specification clearly enables the invention as claimed in claim 21.

3. Claims 17, 18, and 20-22 were rejected under §103(a) over Mutzhas in view of Abondance '884, Abondance '940, and Guex. This rejection is respectfully traversed.

Claim 17 describes a board having at least one longitudinal rigid arm ("arm") that transfers a force from a plate mounted in an underfoot zone above an upper assembly to a lower assembly of the board. The force being transmitted via the arm is initially transmitted to the plate by a foot mounted thereon. The plate, which is capable of being displaced toward the upper assembly by the foot, transfers the force acting on the plate to the arm by direct contact between the plate and the arm. Therefore, the amount of force exerted by the foot is automatically transferred by the plate to the arms.

Mutzhaus discloses a fully manual ski tensioning system. As shown in Figs. 1- 3 and Column 3, lines 38-59, a tensioning device, consisting of a cam element and cam surfaces, exerts a preloading force on steel strap arms within the ski when the device is manually rotated by a user. To exert more or less preloading force, the cam is rotated with a ski pole or other tool. One can only assume that adjustments of this sort would need to be made while the board is not in motion. If the adjustment mechanism were assessable, any such diversion for a user in motion would be extremely hazardous. Therefore, Mutzhaus fails to disclose any means for automatically changing the characteristics of the board while the user descends a hill. Furthermore, Mutzhaus fails to disclose arms that extend through an upper assembly to contact a plate in the underfoot zone.

Abondance '884 discloses a board having a structure with a lower assembly, an upper assembly, and a core. Aside from these items, the patent fails to show any form of a tensioning system. Therefore, Abondance '884 fails to correct any of the deficiencies left by

Mutzhaus with regards to the transmission of a foot exerted force and the location of the arms.

Abondance '940 discloses a board having an underfoot plate made of a viscoelastic material intermixed with specially designed rigid members. This plate is being used to increase the liveliness of the ski by partially isolating the movement of the plate from upper surface of the board. This isolation is exemplified by the designs of the rigid plate members shown in Figs. 7 – 15. These plate members are either segmented or weakened toward their centers allowing their front and rear portions to act independently from each other. Additionally, as shown in Figs. 18-21 displacement of the plate in the direction of the lower surface primarily occurs when the board is bent from a concave position about the plate to a more convex position. Consequently, Abondance '940 fails to disclose a plate that can adequately transfer force to an arm as the plate is purposefully weakened to allow deflection to occur rather than to transmit a force. Furthermore, the deficiencies of Mutzhaus remain.

Guex discloses a manual tensioning system similar to that of Mutzhas, but the arms are preloaded in tension. The tension is created between a manually adjustable mount on the upper assembly and the lower assembly. Because the arms are in tension, the locations of the mounts dictate a deflection in the board as described in Figs. 5 and 6 and supported by page 8 lines 7-9 of the specification. While tension in the direction shown in Guex may be desirable for their application, the system as shown would be incapable of transferring a compressive force from an underfoot zone to the lower assembly in an automatic manner. Therefore, Guex fails to show a plate mounted above the upper assembly in the underfoot area capable of automatically transmitting a force to an arm, and it fails to show arms extending through the upper assembly in the underfoot area.

Applicant respectfully submits that the arguments submitted above distinguish claims 17, 18 and 20-22 from Mutzhaus. Since Abondance '884, Abondance '940, and Guex do not overcome the deficiencies of Mutzhaus, and since claims 18 and 20-22 depend either directly or indirectly from claim 17, claims 18 and 20-22 are also believed to be allowable over the applied art.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

April 12, 2005

Date

Respectfully submitted,

  
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Attachment: Replacement Drawing Sheet (Figs. 3-5)